IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 270/2006

BHARAT RAM Vs. THE STATE OF RAJASTHAN

Date of order: 19.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Mahesh Gupta for the accused-petitioners.
Mr. Ashwini Kr. Sharma, P.P. for the State.
Mr. C.M. Verma for the complainant.

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This criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the order dated 04.02.2006 passed by the Additional Chief Judicial Magistrate No.11, Jaipur City, Jaipur in Criminal Case No. 313/2005, whereby charges have been framed against the accused-petitioner for the offence under Sections 147, 406 and 120-B IPC.

Learned counsel for the accused-petitioner placed reliance on the judgment rendered by the Co-ordinate Bench of this Court in the case of **Jaspal & Anr. Vs. State of Rajasthan & Anr., reported in 2004(2) R.C.C. 1061,** wherein it has been held that quashment of criminal proceedings sought on the ground that when

civil and Revenue proceedings are in progress between the same parties with respect to the genuineness of the agreement in question criminal action is not desirable- Complaint for offence under Section 419, 420, 467, 474, 447 and 120-B IPC was lodged and cognizance taken by judicial Magistrate-ASJ refused to interfere which is under challenge. Held, it is not desirable to run civil and criminal proceedings parallel.

Having heard rival submissions of the respective parties and after going through the impugned order dated 04.02.2006 and upon careful perusal of the record of the case as also the judgment cited by the learned counsel for the accused-petitioner, I find illegality in the impugned order by which charges have been framed against the accused-petitioner for the offence under Sections 147, 406 and 120-B IPC.

Therefore, the impugned order dated 04.02.2006 passed by the Additional Chief Judicial Magistrate No.11, Jaipur City, Jaipur is herewith quashed and set-aside and the matter is remanded back to the Court below for fresh adjudication whether suit in question is pending between the parties prior to lodging of the FIR and after giving opportunity of being heard to the parties shall pass fresh appropriate order.

With these observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

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